

REMARKS

The present application was filed on July 24, 2003 with Claims 1 through 43. Claims 1 through 43 are presently pending in the above-identified patent application.

In the Office Action, the Examiner rejected Claims 1, 4-6, 24, and 27-29 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Petersen et al. (United States Patent No. 5,802,051)(hereinafter, "Petersen '051") in view of Petersen et al. (United States Patent No. 5,802,023) (hereinafter, "Petersen '023"); rejected Claims 2-3, 9-12, 14-22, 25-26, 32-35, and 37-42 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Petersen '051 in view of Petersen '023 and further in view of White et al. (United States Patent No. 6,392,664); rejected Claims 7-8 and 30-31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Petersen '051 in view of Petersen '023 and further in view of Saito et al. (United States Patent No. 5,909,428); rejected Claims 13 and 36 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Petersen '051 in view of Petersen '023, and further in view of Williams (United States Patent No. 5,867,764); and rejected Claims 23 and 43 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Petersen et al. '051 in view of Petersen et al. '023 and White et al., and further in view of Williams.

Applicants and applicants' undersigned representative thank Examiner Stokely-Collins for her efforts in preparing the instant office action. Applicants respectfully traverse each and every rejection of the Examiner. The remarks set forth herein are presented in a sincere effort to advance the case to allowance. ***Applicants respectfully request that the Examiner grant the courtesy of a telephonic interview and will telephone the Examiner regarding same.***

These remarks are submitted pursuant to 37 CFR § 1.116 and should be entered. The remarks place all of the pending claims, i.e., Claims 1-43, in a form that is believed allowable, and, in any event, place the case in a better form for appeal. It is believed that examination of the pending claims, which are consistent with the previous record herein, will not place any substantial burden on the Examiner.

Applicants also note that the Office Action indicates that a PTO-892 was attached, but no such PTO-892 was received. If the Examiner has cited any new references, an updated PTO-892 is respectfully requested.

Independent Claims 1, 14, 24 and 37

Claim 1 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable in view of a proposed combination of Petersen '051 and Petersen '023. Petersen '051 is directed to insertion of minicells into a larger ATM cell. Petersen '051 col. 8 lines 36-45. Each minicell has a header. Petersen '051 FIGS. 7A and 7B. Thus, Petersen '051 employs a complex process wherein there are two operations for breaking up data into, first, minicells, each with its own header, and then ATM cells. The same is true of Petersen '023. Please refer to Petersen '023 col. 2 lines 34-36: each minicell has a header. Petersen '023, at column 5 lines 21-32, does mention special decoupling minicells that have no header; however, such decoupling minicells *also do not have a payload, id.* at column 5 lines 24-25.

Claim 1 recites that first (higher priority) data is contained in the information section of the data object ***without any data overhead portion associated with the first data in the information section.*** In one embodiment, shown in FIG. 2, the first data is real-time data 282 placed in information section 294 of cell 291. If there is space left over, lower priority data may be placed in the remaining portion of the information section 294; for example, non-real-time data 278, which may or may not have an associated data overhead portion 276. In any event, the first data 282 (for example, LSCP request 272 with op code 274) is placed directly in information section 294 without any data overhead portion.

The Examiner states, at pages 3-4 of the instant Office Action, that Petersen '023 shows "an information section (payload, column 5 lines 37-41), the first data being contained in the information section of the data object without any data overhead portion associated with the first data in the information section (it is inherent that the ATM cell carries entire minicells of data in its (sic) payload without splitting the minicell between two different ATM cells)." It is respectfully submitted that, not only does the parenthetical statement mentioned by the Examiner not show first data being contained in the information section of the data object without any data overhead portion, the parenthetical statement *directly teaches away from applicants' claimed invention.* The

payload of the ATM cell is filled with *minicells, each of which has a header* (i.e., a data overhead portion), directly contrary to applicants' claimed invention. The only minicells which do not have a header are the aforementioned special decoupling minicells that have no header but *also do not have a payload, id.* Note that Claim 1 requires "**the first data being contained in the information section of the data object *without any data overhead portion associated with the first data in the information section.***" Any data stored in the ATM cells of Petersen '023 is in minicells that have headers, i.e., data overhead portions, since the special decoupling minicells that have no header also carry no data since they have no payloads.

Applicants' claimed invention, as claimed in Claim 1, is neither taught nor suggested by the proposed combination of Petersen '051 and Petersen '023, even assuming, *arguendo*, that such combination is proper.

Since the proposed combination of Petersen '051 and Petersen '023 neither teaches nor suggests all the limitations of Claim 1, it is respectfully submitted that Claim 1 is patentable.

Claim 14 was rejected under 35 U.S.C. § 103(a) as allegedly obvious in view of a proposed combination of Petersen '051, Petersen '023, and White et al. Claim includes the limitation that the first data is contained in the information section of the data object without any data overhead portion associated with the first data in the information section. As noted, Petersen '051 and Petersen '023 neither teach nor suggest the identified limitation. White et al. simply discloses a conventional cable television system. Assuming, *arguendo*, that the proposed combination of Petersen '051, Petersen '023, and White et al. is proper, even taken in combination, there is no teaching or suggestion of the limitation that the first data is contained in the information section of the data object without any data overhead portion associated with the first data in the information section. Accordingly, it is respectfully submitted that the amended version of Claim 14 is patentable.

Claim 24 was rejected on the same rationale as was Claim 1. Claim 24 has limitations similar to Claim 1, and is thus patentable for at least the same reasons as Claim 1.

Claim 37 was rejected under 35 U.S.C. § 103(a) as allegedly obvious in view of a proposed combination of Petersen '051, Petersen '023, and White et al. Claim 37 includes the limitation that the first data is contained in the information section of the data object without any data overhead portion associated with the first data in the information section. As noted, Petersen '051 and Petersen '023 neither teach nor suggest the identified limitation. White et al. simply discloses a conventional cable television system. Assuming, *arguendo*, that the proposed combination of Petersen '051, Petersen '023, and White et al. is proper, even taken in combination, there is no teaching or suggestion of the limitation that the first data is contained in the information section of the data object without any data overhead portion associated with the first data in the information section. Accordingly, it is respectfully submitted that the amended version of Claim 37 is patentable.

Dependent Claims 2-13, 15-23, 25-36, and 38-43

All the dependent claims are patentable, since they depend on the independent claims, which are patentable for the reasons set forth above, and because they add further patentable limitations. Further, applicants respectfully note that none of the other references cited by the Examiner in rejecting the dependent claims, whether taken alone or in any combination with any other reference(s) cited by the Examiner in rejecting the claims (assuming *arguendo* that any such combination would be proper), teach or suggest the claimed data object ***without any data overhead portion associated with the first data in the information section.***

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Conclusion

All of the pending claims following entry of the amendments, i.e., Claims 1-43, are in condition for allowance and such favorable action is respectfully and earnestly solicited

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is greatly appreciated.

Date: June 13, 2008

Respectfully submitted,



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